

Senate Bill 558

By: Senator Schaefer of the 50th

AS PASSED

AN ACT

To amend an Act creating a board of commissioners for Banks County, approved August 19, 1916 (Ga. L. 1916, p. 349), as amended, particularly by an Act approved March 31, 1965 (Ga. L. 1965, p. 3058), an Act approved March 21, 1970 (Ga. L. 1970, p. 3297), and an Act approved March 15, 1988 (Ga. L. 1988, p. 3999), so as to provide for an increase in the number of members of the board; to provide for the election of members of the board; to provide for related matters; to provide for a referendum; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a board of commissioners for Banks County, approved August 19, 1916 (Ga. L. 1916, p. 349), as amended, particularly by an Act approved March 31, 1965 (Ga. L. 1965, p. 3058), an Act approved March 21, 1970 (Ga. L. 1970, p. 3297), and an Act approved March 15, 1988 (Ga. L. 1988, p. 3999), is amended by revising Section 1 as follows:

"Section 1. The board of commissioners of Banks County is hereby created. Until January 1, 2010, the board shall consist of a chairperson and two other members who shall be qualified voters and bona fide residents of Banks County for a period of not less than six months preceding the date of their election. On and after January 1, 2010, the board shall consist of a chairperson and four other members who shall be qualified voters and bona fide residents of Banks County for a period of not less than six months preceding the date of their election."

SECTION 2.

Said Act is further amended by revising Section 2 as follows:

"Section 2. (a) Until January 1, 2010, the chairperson and other members of the board may reside anywhere in Banks County and shall be nominated and elected by the qualified voters of the entire county. For the purpose of electing the chairperson and other members of such board, there shall be three commissioner posts to be designated Commissioner

Post 1, Commissioner Post 2, and Commissioner Post 3. The chairperson shall be elected from Commissioner Post 1 and all candidates for chairperson shall offer for Commissioner Post 1. Candidates for Commissioner Posts 2 and 3 shall designate the post for which they are offering. The chairperson and each member of the board of commissioners in office on the effective date of this Act shall serve until the expiration of his or her respective term of office and until his or her successor is elected and qualified.

(b)(1) On and after January 1, 2010, the chairperson may reside anywhere in Banks County and shall be nominated and elected by the qualified voters of the entire county. For the purpose of electing the remaining members of the board of commissioners, Banks County is divided into four commissioner districts. One member of the board shall be elected from each such district. Commissioner Districts 1, 2, 3, and 4 shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: banksc08p2 Plan Type: Local User: staff Administrator: Banks Co.

(2) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Banks County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Banks County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

(3) On and after January 1, 2010, the commissioners holding Commissioner Post 2 and Commissioner Post 3 shall represent Commissioner District 1 and Commissioner District 3, respectively. Such commissioners shall serve out the terms to which they were

elected and until their successors are elected and qualified. Successors to such commissioners shall be elected by the electors of the entire county at the 2010 state-wide general election and shall take office on January 1, 2011, for a term of four years. Thereafter, successors shall be elected by the electors of the entire county at the November general election immediately preceding the end of their terms of office to take office on January 1 immediately following such election for four-year terms of office and until their successors are elected and qualified.

(4) On the Tuesday next following the first Monday in November, 2009, commissioners shall be elected from Commissioner Districts 2 and 4 by the electors of the entire county in special elections conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended. Those persons elected in such special elections shall take office on January 1, 2010, for a term of office to end on December 31, 2012, and until their successors are elected and qualified. At the 2012 state-wide November general election, successors to such commissioners shall be elected by the electors of the entire county and shall take office on January 1, 2013, for terms of four years and until their successors are elected and qualified. Thereafter, successors shall be elected by the electors of the entire county at the November general election immediately preceding the end of their terms of office to take office on January 1 immediately following such election for four-year terms of office and until their successors are elected and qualified.

(5) On and after January 1, 2010, the chairperson shall serve out the term to which he or she was elected and until his or her successor is elected and qualified. A successor to such chairperson shall be elected by the electors of the entire county at the 2012 state-wide general election and shall take office on January 1, 2013, for a term of four years. Thereafter, a successor shall be elected by the electors of the entire county at the November general election immediately preceding the end of the chairperson's term of office to take office on January 1 immediately following such election for a four-year term of office and until his or her successor is elected and qualified.

(6) The chairperson may reside anywhere in Banks County. Except for the chairperson, each district commissioner shall be a resident of the geographic area encompassed by the respective commissioner district which he or she represents. Each commissioner shall be elected by a majority of the electors voting in the entire county. A candidate seeking election to the board of commissioners shall identify the seat to which such candidate seeks election at the time of qualifying for election to the office. If the chairperson ceases to be a resident of Banks County or if any district commissioner ceases to be a resident

of the commissioner district from which such district commissioner was elected during his or her term of office, such person shall thereby vacate his or her seat on the commission. All members of the commission shall be nominated and elected pursuant to the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended."

SECTION 3.

Said Act is further amended by revising Section 6 as follows:

"Section 6. Reserved."

SECTION 4.

Said Act is further amended by revising Section 11 as follows:

"Section 11. (a) The chairperson shall preside at all meetings. It shall be the duty of the chairperson to sign all orders and warrants for the payment of any money out of the county treasury, the same to be countersigned by the clerk of the board of commissioners.

(b) At the first meeting of each year, the board of commissioners shall elect one of their number to serve as vice chairperson. The vice chairperson shall preside in the absence of the chairperson or in case the chairperson is disqualified for cause. A majority of the board shall be a quorum to transact business."

SECTION 5.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Banks County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the Banks County for approval or rejection. The election superintendent shall conduct that election on the Tuesday after the first Monday in November, 2008, and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Banks County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved that changes the form of government in Banks
() NO County from a three member commission to a five member commission with four members elected countywide but who must reside and qualify within a commissioner district and a chairperson elected countywide who shall be a full voting member of the board?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, then Sections 1 through 4 of this Act shall become of full force and effect immediately. If this Act is not so approved or if the election is not conducted as provided in this section, then Sections 1 through 4 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Banks County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 6.

The governing authority of Banks County shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 7.

Except as otherwise provided in Section 5 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.

Plan Name: bankscc08p2 Plan Type: Local User: staff Administrator: Banks Co.

Redistricting Plan Components Report

District 001

Banks County

Tract: 9802

BG: 1

1019 1020 1021 1023 1024 1025 1026 1027 1028 1029 1030 1031

1032 1033 1034 1035 1037 1038 1039 1040 1041 1042 1043 1044

1045 1046 1047 1048 1052 1078 1079

Tract: 9803

BG: 2

2000 2001 2002 2017 2021 2022 2023 2024 2025 2026 2027 2028

2029 2030 2031 2032 2033

Tract: 9804

District 002

Banks County

Tract: 9801

BG: 1

BG: 2

2000 2001 2002 2003 2004 2005 2006 2064

Tract: 9802

BG: 1

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1012 1013 1014 1015 1016 1017 1018 1022 1036 1049 1050 1051

BG: 2

2000 2001 2002 2003 2016 2026 2027 2030 2031 2032 2033

District 003

Banks County

Tract: 9801

BG: 2

2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018

2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030

2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042

2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054
2055 2056 2057 2058 2059 2060 2061 2062 2063 2065 2066 2067

Tract: 9802

BG: 2

2004 2005 2006 2007 2008 2009 2010 2040 2041 2042 2043 2044
2045 2046 2047 2048 2049 2075

Tract: 9803

BG: 1

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
1036 1037 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048
1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1999

BG: 2

2008 2009 2065 2066 2067 2068 2069 2070 2071 2072

District 004

Banks County

Tract: 9802

BG: 1

1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064
1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076
1077 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090

BG: 2

2011 2012 2013 2014 2015 2017 2018 2019 2020 2021 2022 2023
2024 2025 2028 2029 2034 2035 2036 2037 2038 2039 2050 2051
2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063
2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2076
2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087

Tract: 9803

BG: 1

1038

BG: 2

2003 2004 2005 2006 2007 2010 2011 2012 2013 2014 2015 2016
2018 2019 2020 2034 2035 2036 2037 2038 2039 2040 2041 2042

2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054
2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2073 2074
2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086
2087 2088 2089 2090 2091 2092